

REMARKS

Claims 1-3 and 6-22 were rejected under 35 USC 101 because the Examiner alleges that the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner alleges that the claimed invention as a whole does not accomplish a practical application and that it must produce a useful concrete and tangible result. The rejection of the claims under 35 USC 101 is traversed. In particular, the Examiner states that the limitation in claim 1 "performing a first and second visit, providing warning" are not concrete and tangible, and that the steps to be concrete must have results that can be substantially repeatable. The Examiner is comparing the steps of performing first and second visits and providing warnings as required in the present claim 1, with the irreproducible process relating to cold fusion as discussed In re: Swartz. The claimed invention should be viewed as a whole. Further, the steps in present claim 1 are reproducible. The person of ordinary skill could practice and perform the steps in claim 1 without any experimentation. Further the claimed invention, when viewed as a whole, does produce a tangible and concrete result. In particular the present invention provides a procedure or process for contacting non-paying customers which minimizes the number of follow up visits to a customer location after customer services are discontinued. Multiple visits result in the loss of productive time for the employees that must disconnect and reconnect the customers. In addition, the business/cable company at the same time is trying to retain the customers of a service provider that may otherwise be disconnected from the services for non-payment. Therefore the invention is providing a process for contacting non-paying customers by minimizing a loss of customers/maximizing the number of retained customers while minimizing the service calls to the customer's location for disconnecting the service. Reconsideration is respectfully requested.

Claims 1-3, and 6-22 were rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner alleges that it is not clear how "disconnecting the customer" achieves increasing retention of a customer as recited in the preamble. The

preamble has now been amended to eliminate the phrase "to increase customer retention" although this feature is a goal of the invention.

Claims 1-3, 7, 8, 10, 11, 15, and 19-21 were rejected under 35 USC 103(a) as being unpatentable over Akron in view of Vermont. Claims 1-3, 7 and 8 were rejected under 35 USC 102(b) as being anticipated by Akron.

The rejection under 35 USC 102(b) is traversed. According to the Federal Circuit, "anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." Akron does not show or disclose each element of claim 1. Akron does not show or disclose performing a first visit to a customer location and if the customer is present at the customer location, asking the customer to pay the owed amount. Further, Akron does not disclose disconnecting the service at the first visit if the customer refuses to pay the owed amount. In addition, Akron does not disclose performing a second visit to the customer location.

The rejection under 103 (a) is traversed. The Examiner states that Vermont teaches that if the customer is present at the customer location, asking the customer to pay an owed amount and if the customer refuses to pay the owed amount disconnecting the service. Vermont does not disclose asking the customer to pay an owed amount. In section 8.346(F) in Vermont when a company representative is at a subscriber's residence or place of business to disconnect service and the subscriber at that time offers to pay the amount in arrears in lieu of the disconnection; the company may add a reasonable collection charge... Vermont merely accepts payment from a customer. However, Vermont does not ask the customer to pay the owed amount. Further, neither Akron nor Vermont show or disclose performing a second visit to the customer location if the customer is not present at the customer location at the first visit. One purpose for performing a second visit when a customer is not present at the location of the first visit is to give the customer another chance to pay the money owed.

Regarding claim 6, neither Akron nor Vermont show or disclose collecting the equipment owed by the service provider at the customer location.

Regarding claim 7, the Examiner states Akron teaches the step of disconnecting the customer if the customer does not pay. However, Akron does not disclose disconnecting the service if the customer does not pay the owed amount at the second visit. Akron does not disclose making more than one visit. As stated supra, in the present invention a second visit is provided to the customer in order to give the customer a chance to be present and provide payment of the amount owed. The intent of the second visit is to try to maintain the customer or to prevent having to reconnect the service at a later date. Since Akron does not provide for a second visit for collection of the money owed then claim 8 is allowable for the same reasons as claim 7.

Regarding claims 10 and 11, since both of these claims require the second visit they are not anticipated by the Akron disclosure, since Akron does not disclose a second visit. Claim 17 and 18 also refer to the second visit in which Akron does not disclose.

Claim 6 and 9 were rejected under 35 USC 103(a) as being unpatentable over Akron in view of Kenny (U.S. Patent Application No. 2002/0007295). Claim 6 and 9 are allowable because they are dependent upon allowable claim 1.

This amendment should place this case in condition for passing to issue. Such action is requested.


Further, the amendment to claim 1 merely deletes the phrase "to increase customer retention" in the preamble. The amendment to claim 1 does not raise new issues that would require further consideration and/or search, because the prior art search cited by the Examiner was not confined to an area which attempts to increase customer retention. Therefore no further search would be necessary after this Amendment.

In Reply to the Office Action dated October 5, 2006

Dated: January 5, 2007

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



Darlene P. Condra
Attorney for Applicant(s)
Registration No. 37,113
(248) 649-3333

3001 West Big Beaver Rd., Suite 624
Troy, Michigan 48084-3107
Dated: January 5, 2007
DPC/caw